

REMARKS

This amendment is in response to the Final Office Action dated November 9, 2008 (the "Office Action"). Claims 1-14, 18-26, 29-33, 48 and 54-69 are pending in the application. Claims 15-17, 27-28, 34-47 and 49-53 have been cancelled without prejudice or disclaimer. Claims 1, 3, 8, 14, 26, 29-31, 33, 48, and 69 have been amended.

Claims 1-14 and 54-67 are Allowable under 35 U.S.C. §101

The Office rejected claim 1 under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. *See* Office Action, p. 2. Applicants have amended claim 1 to tie the method of claim 1 to a telephone of the called party. Applicants respectfully submit that because the method of claim 1 is tied to a particular machine, claim 1 recites allowable subject matter. *In re Bilski*, ___ F.3d ___ (Fed. Cir. 2008)(*en banc*). Accordingly, claims 1-17 include subject matter that is patentable under 35 U.S.C. § 101. Claims 2-14 and 54-67 depend from claim 1. Accordingly, 2-14 and 54-67 recite patentable subject matter and are allowable under 35 U.S.C. 101.

Claims 1-14, 18, 19, 21-24, 26, 29-33, 48 and 54-69 are Allowable under U.S.C. §103(a)

The Office has rejected claims 1-14, 18, 19, 21-24, 26, 29-33, 48 and 54-69, under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 7,280,530 ("Chang"). Applicants respectfully traverse the rejections.

The cited portions of the above-cited reference do not disclose or suggest the specific combination of claim 1. For example, the cited portions of the above-cited reference fail to disclose or suggest determining whether the calling party selected ring tone is allowed and when the calling party selected ring tone is allowed, initiating delivery of the custom ring information to the called party, as in claim 1.

In contrast to claim 1, the cited portions of Chang describe that when a calling party selects the ring through option, private branch exchange forwards the calling party's call to a user's voice mail or a Must Answer Station. *See* Chang, column 48, lines 46-62 and Figure 56. The cited portions of Chang describe that if the caller is logged on via a browser, the caller may

select the ring through option in the browser window at the caller workstation. *See Chang*, column 48, lines 46-55. The cited portions of *Chang* also describe that if the caller is not logged on via a browser, the caller can select the ring through option by pressing a designated key on the telephone. *See Chang*, column 48, lines 46-55.

Applicants respectfully submit that *Chang*'s calling party selecting a ring through option via a browser or a telephone line, if the called telephone is busy, is different from determining whether the calling party selected ring tone is allowed, as in claim 1. The cited portions of *Chang* describe that a caller may request a ring through option if the called telephone is busy. *See Chang*, column 48, lines 40-42. When a calling party selects the ring through option, the *Chang* system forwards call to a user's voice mail or a Must Answer Station. *See Chang*, column 48, lines 46-62 and Figure 56. In other words, selection of the ring through option in *Chang* identifies a location where a call received from the calling party can be forwarded. The call forwarding location in *Chang* does not represent a calling party selected ring tone. Further, the cited portions of *Chang* do not disclose or suggest determining if the calling party selected ring through option is allowed. Accordingly, the cited portions of *Chang* do not disclose or suggest determining whether the calling party selected ring tone is allowed and when the calling party selected ring tone is allowed, initiating delivery of the custom ring information to the called party, as in claim 1. Hence, claim 1 is allowable. Claims 2-14 and 54-67 are allowable, at least by virtue of their dependence from claim 1. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited reference.

For example, the cited portions of *Chang* fail to disclose or suggest when the calling party selected ring tone is not allowed, initiating delivery of a non-custom ring signal to the called party, as in claim 54. The cited portions of *Chang* describe the integrated computer telephone system to place a telephone call from a caller gateway telephone to a called gateway telephone via the public switched telephone network. *See Chang*, column 27, lines 32-47. The cited portions of *Chang* also describe a caller initiating a call by picking up the handset on the caller telephone and dialing an automatic route selection code plus a public switched telephone network telephone number or other digit string. *See Chang*, column 27, lines 32-47, and Figure 4. The cited portions of *Chang* describe that after reviewing the dialed number against the information in the automatic route selection tables to select a trunk group, the caller private branch exchange may modify the digit string, by deleting and inserting digits for proper

addressing. *See* Chang, column 27, lines 32-47. However, the cited portions of Chang do not disclose or suggest when the calling party selected ring tone is not allowed, initiating delivery of a non-custom ring signal to the called party, as in claim 54.

As another example, the cited portions of Chang fail to disclose or suggest when the calling party selected ring tone is not allowed, blocking delivery of the custom ring information to the called party, as in claim 55. The cited portions of Chang describe a call alert scenario using the browser client and screen pops. *See* Chang, column 48, lines 11-25, and Figures 54 and 55. The cited portions of Chang also describe that the called user may elect to accept or reject the call alert by clicking an appropriate button in the call alert screen pop. However, cited portions of Chang do not disclose or suggest when the calling party selected ring tone is not allowed, blocking delivery of the custom ring information to the called party, as in claim 55. The cited portions of Chang fail to disclose these features of claims 54 and 55. For these additional reasons, claims 54 and 55 are allowable.

The cited portions of the above-cited reference do not disclose or suggest the specific combination of claim 18. For example, the cited portions of Chang fail to disclose or suggest a network node operable to determine whether a calling party selected ring tone is allowed and when the calling party selected ring tone is allowed, to deliver packetized information representing the calling party selected ring tone to the called party, as in claim 18. As discussed above, in contrast to claim 18, the cited portions of Chang disclose a calling party selectable ring through option. Hence, claim 18 is allowable.

Claims 19-25 are allowable, at least by virtue of their dependence from claim 18. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above-cited reference. For example, the cited portions of Chang fail to disclose or suggest a custom ring tone block list, where the network node is further operable to block delivery of the calling party selected ring tone when the custom ring tone block list indicates that the called party does not want to receive the calling party selected ring tone, as in claim 23. The cited portions of Chang fail to disclose this feature of claim 23. For this additional reason, claim 23 is allowable.

The cited portions of Chang do not disclose or suggest the specific combination of claim 26. For example, the cited portions of the above-cited reference fail to disclose or suggest an output engine operable to initiate communication of ring tone information to a called party such

that a telephonic device of the called party outputs a calling party selected ring tone to indicate a call when the calling party selected ring tone is allowed, as in claim 26. As discussed above, in contrast to claim 26, the cited portions of Chang disclose a calling party selectable ring through option. Hence, claim 26 is allowable. Claims 29-30 are allowable, at least by virtue of their dependence from claim 26.

The cited portions of Chang do not disclose or suggest the specific combination of claim 31. For example, the cited portions of the above-cited reference fail to disclose or suggest a computer-readable medium having computer-readable data to determine whether a calling party selected ring tone is allowed, to direct delivery of information to a telephonic device of a called party in a format that allows the telephonic device to output the calling party selected ring tone as an indication of an incoming call when the calling party selected ring tone is allowed, as in claim 31. As discussed above, in contrast to claim 31, the cited portions of Chang disclose a calling party selectable ring through option. Hence, claim 31 is allowable.

Claim 32 is allowable, at least by virtue of its dependence from claim 31. Further, claim 32 recites additional elements not disclosed or suggested by the cited portions of Chang. For example, the cited portions of Chang fail to disclose or suggest computer-readable data to block delivery of the information when the calling party selected ring tone is not allowed, as in claim 32. The cited portions of Chang fail to disclose this feature of claim 32. For this additional reason, claim 32 is allowable.

The cited portions of Chang do not disclose or suggest the specific combination of claim 33. For example, the cited portions of Chang fail to disclose or suggest determining whether a device of a called party is capable of playing a calling party selected ring tone and when the device of the called party is capable of playing the calling party selected ring tone, initiating delivery of custom ring information to the called party, as in claim 33. As discussed above, in contrast to claim 33, the cited portions of Chang disclose a calling party selectable ring through option. Hence, claim 33 is allowable.

Claim 68 is allowable, at least by virtue of its dependence from claim 33. Further, claim 68 recites additional elements not disclosed or suggested by the cited portions of Chang. For example, the cited portions of the above-cited reference fail to disclose or suggest when the device of the called party is not capable of playing the calling party selected ring tone, initiating

delivery of a non-custom ring signal to the called party, as in claim 68. The cited portions of Chang fail to disclose this feature of claim 68. For this additional reason, claim 68 is allowable.

The cited portions of Chang do not disclose or suggest the specific combination of claim 48. For example, the cited portions of the above-cited reference fail to disclose or suggest determining whether the telephonic device of a called party is capable of playing a calling party selected ring tone and when the telephonic device of the called party is capable of playing the calling party selected ring tone, initiating delivery of custom ring information to the called party, as in claim 48. As discussed above, in contrast to claim 48, the cited portions of Chang disclose a calling party selectable ring through option. Hence, claim 48 is allowable.

Claim 69 is allowable, at least by virtue of its dependence from claim 48. Further, claim 69 recites additional elements not disclosed or suggested by the cited portions of Chang. For example, the cited portions of Chang fail to disclose or suggest when the device of the called party is not capable of playing the calling party selected ring tone, initiating delivery of a non-custom ring signal to the called party, as in claim 69. The cited portions of Chang fail to disclose this feature of claim 69. For this additional reason, claim 69 is allowable.

CONCLUSION


Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date



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